

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|-----------------------------|---|-----------------------------------|
| ACEY ABDUL REAVIS, |) | |
| Plaintiff |) | |
| |) | |
| vs. |) | Civil Action No. 08-1184 |
| |) | Judge Joy Flowers Conti/ |
| COL. J.E. POSKA; CAPT. W.E. |) | Magistrate Judge Amy Reynolds Hay |
| LEGGETT, |) | |
| Defendants |) | |

ORDER

AND NOW, this 16th day June, 2010, after the Plaintiff, Acey Abdul Reavis, filed an action in the above-captioned case, and after a Partial Motion to Dismiss was filed by defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until May 24, 2010, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that Defendants' partial motion to dismiss, is granted in part and denied in part. It is denied as to the Eighth Amendment claim of excessive force against Captain Leggett and granted as to all other claims against all defendants.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

/s/ Joy Flowers Conti
JOY FLOWERS CONTI
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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All Counsel of Record by electronic filing